# THE UNITED STATES DISTRICT COURT DISTRICT OF UTAH

CLEARPLAY INC.,

VERDICT FORM

Plaintiff,

Case No. 2:14-cv-00191-DN-CMR

٧.

District Judge David Nuffer

DISH NETWORK L.L.C., AND ECHOSTAR TECHNOLOGIES L.L.C.,

Defendant.

### MEMBERS OF THE JURY:

When filling out this Verdict Form, please follow the directions provided throughout the form. Read the questions and directions carefully. They explain the sequence in which the questions should be answered.

Your answer to each question must be unanimous.

Except where indicated, your findings are by a preponderance of the evidence.

Some of the questions contain legal terms that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term that appears in the questions.

#### As used herein:

"ClearPlay" refers to ClearPlay Inc.

"DISH" refers to DISH Network L.L.C., and EchoStar Technologies L.L.C.

"The '970 Patent" refers to U.S. Patent No. 7,577,970.

"The '799 Patent" refers to U.S. Patent No. 6,898,799.

Please proceed to answer Questions 1, 2, and 3.

# INFRINGEMENT

	1. Has ClearPlay proven by a preponderance of the evidence that DISH literally infringes any of the following ClearPlay patent claims?	2. Has ClearPlay proven by a preponderance of the evidence that DISH infringes any of the following ClearPlay patent claims under the doctrine of equivalents?	3. Has ClearPlay proven by a preponderance of the evidence that DISH actively induces infringement of any of the following ClearPlay patent claims?	
<u>'970 Patent</u>				
Claim 28:	Yes <u>X</u> No		Yes No	
Claim 33:	Yes <u>X</u> No		Yes No _X_	
"799 Patent				
Claim 12:	Yes <u>X</u> No	Yes <u>X</u> No	Yes NoX_	

If you answered "YES" for any patent claim in any of Questions 1, 2, or 3, please proceed to answer Question 4.

If you did not answer "YES" for any patent claim in Questions 1, 2, and 3, please stop, have the Foreperson date and sign the Verdict Form, and notify the Court Security Officer that you have reached a verdict.

#### VALIDITY OF THE PATENT

Answer Question 4 only for the patent claim(s) for which you answered "YES" in your answers to any of Questions 1, 2, or 3.

4. Has DISH proven by clear and convincing evidence that any of the following ClearPlay patent claims are invalid?

"YES" finds a claim invalid. "NO" means invalidity was not proven.

'970 Patent	Claim 28: Claim 33:	YES YES	NO X
'799 Patent	Claim 12:	YES	№ _Х_

If you answered "NO" for any patent claim in Question 4, please proceed to answer Question 5.

If you answered "YES" in Question 4 for all patent claims for which you answered "YES" in your answers to any of Questions 1, 2, or 3, please stop, have the Foreperson date and sign the Verdict Form, and notify the Court Security Officer that you have reached a verdict.

#### **DAMAGES**

Answer Question 5 only if you (a) answered "YES" (finding infringement) in Questions 1, 2, or 3 for at least one patent claim, and (b) answered "NO" (finding invalidity was not proven by DISH) for the same patent claim in Question 4.

5. What is the total dollar amount of reasonable royalty, if any, that ClearPlay has proven by a preponderance of the evidence should be awarded for DISH's infringement of a valid claim of ClearPlay's patents?

Reasonable royalty: \$ 469,074, 468.00

Please proceed to answer Question 6.

#### WILLFUL INFRINGEMENT

Answer Question 6 only if you filled in an amount in Question 5.

6. Has ClearPlay proven by a preponderance of the evidence that DISH's infringement was willful?

"YES" is a finding in favor of ClearPlay. "NO" is a finding in favor of DISH.

 '970 Patent
 YES
 NO
 X

 '799 Patent
 YES
 NO
 X

Please stop, have the Foreperson date and sign the Verdict Form, and notify the Court Security Officer that you have reached a verdict.

## **INSTRUCTIONS**

After you have completed the questions as directed above, the Foreperson is to date and sign this Verdict Form on behalf of the jury and notify the Court Security Officer that you have reached a verdict.

## CERTIFICATION

We, the jury, unanimously agree to the answers to the foregoing questions and return this form as our verdict in this case.

The verdict is not final until accepted by the court.

DATED this // of March 2023.

Jury Foreperson